

10/560649 PCT/PTO 13 DEC 2005

FORM PTO-1390  
(REV 10-94)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

09728.0334USWO

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

Filed Herewith

10/560649

INTERNATIONAL APPLICATION NO.

PCT/IB2003/003332

INTERNATIONAL FILING DATE

July 22, 2003

PRIORITY DATE CLAIMED

July 22, 2003

TITLE OF INVENTION

METHOD AND APPARATUS FOR ANALYZING BIOLOGICAL TISSUE IMAGES

APPLICANT(S) FOR DO/EO/US


DIOGUARDI et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☒ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98, Form 1449 & 3 References.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Application Data Sheet - 5 pgs, 2 Sheets of Formal Drawings, Communication Under 37 C.F.R. 1.32, International Publication WO 2005/008585 A1, Form PCT/RO/101, Form PCT/ISA/210, Form PCT/ISA/220, Form PCT/IB/306, Form PCT/IB/308

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
Filed Herewith: <b>10/560649</b>		PCT/IB2003/003332		09728.0334USWO	
<b>BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)):</b>					
[X] a) Basic National fee.....				\$300.00	\$300.00
[X] b) Examination fee.....				\$200.00	\$200.00
[X] c) Search fee.....				\$500.00	\$500.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$1000.00	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		Rate	
25	-100 = 0	/50 =		X \$250.00	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	18	-20 = 0	X \$50.00	\$0.00	
Independent claims	1	-3 = 0	X \$200.00	\$0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$1000.00	
Reduction by 1/2 for filing by small entity, if applicable. Small entity status is claimed pursuant to 37 CFR 1.27				\$500.00	
<b>SUBTOTAL =</b>				\$500.00	
Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+ \$0.00	
<b>TOTAL NATIONAL FEE =</b>				\$500.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$40.00	
<b>TOTAL FEES ENCLOSED =</b>				\$540.00	
				Amount to be: refunded	\$0.00
				charged	\$0.00
a. [X] Check(s) in the amount of \$500.00 & \$40.00 to cover the above fees is enclosed.					
b. [ ] Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-2725.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO: Gregory A. Sebald MERCHANT & GOULD P.O. Box 2903 Minneapolis, MN 55402-0903					
SIGNATURE: 					
NAME: Gregory A. Sebald					
REGISTRATION NUMBER: 33,280					

10/560649

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DIOGUARDI et al.

Docket: 09728.0334USWO

Title: METHOD AND APPARATUS FOR ANALYZING BIOLOGICAL TISSUE IMAGES

IAP9 Rec'd PCT/PTO 13 DEC 2003

**CERTIFICATE UNDER 37 CFR 1.10:**

"Express Mail" mailing label number: EV 495842954 US

Date of Deposit: December 13, 2005

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450.

By: 

Name: Aaron Junker

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

We are transmitting herewith the attached:


- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ National Stage PCT Patent Application of PCT/IB2003/003332: Spec. 15 pgs; 19 claims; Abstract 2 pgs. The fee has been calculated as shown below in the 'Claims as Filed' table.
- ☒ 2 sheets of formal drawings
- ☒ Small entity status is claimed pursuant to 37 CFR 1.27
- ☒ A signed Combined Declaration and Power of Attorney
- ☒ Assignment of the invention to HUMANITAS MIRASOLE S.p.A., Recordation Form Cover Sheet
- ☒ A check in the amount of \$500.00 to cover the Filing Fee
- ☒ A check for \$40.00 to cover the Assignment Recording Fee.
- ☒ Information Disclosure Statement, Form 1449, 3 reference(s).
- ☒ Application Data Sheet, 5 pages.
- ☒ Form PCT 1390
- ☒ Other: Preliminary Amendment, Communication Under 37 C.F.R. 1.32, International Publication WO 2005/008585 A1, Form PCT/RO/101, Form PCT/ISA/210, Form PCT/ISA/220, Form PCT/IB/306, Form PCT/IB/308
- ☒ Return postcard

## CLAIMS AS FILED

Number of Claims Filed	No.	In Excess of	Extra	Rate	Fee
Total Claims	18	20	0	25.00	= 0.00
Independent Claims	1	3	0	100.00	= 0.00
Multiple Dependent Claims Fee					= 0.00
Basic Filing Fee					= 150.00
Search Fee					= 250.00
Examination Fee					= 100.00
Utility Application Size Fee	25	100	0	125.00	= 0.00
Total					= 500.00

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
P.O. Box 2903 Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: Gregory A. Sebal  
Reg. No.: 33,280  
Initials: GAS/mkc

23552

PATENT TRADEMARK OFFICE

(PTO TRANSMITTAL - NEW FILING)

S/N Filed Herewith

10/560649  
IAP9 Rec'd PCT/PTO 13 DEC 2005  
PATENT

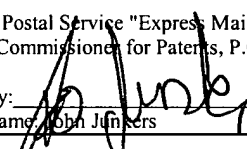
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DIOGUARDI et al. Examiner: Unknown  
Serial No.: Filed Herewith Group Art Unit: Unknown  
Filed: December 13, 2005 Docket No.: 09728.0334USWO  
Title: METHOD AND APPARATUS FOR ANALYZING BIOLOGICAL TISSUE  
IMAGES

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 495842954 US  
Date of Deposit: December 13, 2005

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Name: John Junkers

COMMUNICATION UNDER 37 C.F.R. §1.32(c)(3)

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

Pursuant to 37 C.F.R. §1.32 (c)(3) please appoint the following 10 practitioners named in the Power of Attorney to be recognized by the U.S. Patent Office as being of record in the above-identified application:

Brian H. Batzli (32,960)  
Steven C. Bruess (34,130)  
John A. Clifford (30,247)  
Dennis R. Daley (34,994)  
Julie R. Daulton (36,414)

Robert A. Kalinsky (50,471)  
Joshua N. Randall (50,719)  
David G. Schmaltz (39,828)  
Gregory A. Sebald (33,280)  
Mark T. Skoog (40,178)

The undersigned was named on the Power of Attorney.

**23552**

PATENT TRADEMARK OFFICE

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Dated: December 13, 2005

By 

Gregory A. Sebald  
Reg. No. 33,280

GAS/mkc